

FILED
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
U.S. DISTRICT COURT
DISTRICT OF MASS.
FILED UNDER SEAL

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 13-10200-GAO
)
)
DZHOKHAR TSARNAEV)

**MOTION FOR LEAVE TO FILE REPLIES TO THE GOVERNMENT'S
OPPOSITIONS TO DAUBERT MOTIONS IN LIMINE AND FOR AN
EXTENSION OF TIME IN WHICH TO DO SO**

1. Defendant, Dzhokhar Tsarnaev, by and through counsel respectfully requests leave to file replies to the government's responses to his various *Daubert in limine* motions [DE 727, 728, 729, and 730]. As grounds therefor, the defendant states that the replies will assist to focus issues to facilitate Court's adjudication of the motions.
2. Defendant further requests that the Court extend its previously established deadline of December 23, 2014 for filing the replies to the close of business on December 29, 2014. The government's responses were filed after the close of business on December 19, 2014 and docketed on December 22, 2014. The government's responses as to three of the four motions included and relied on previously undisclosed complex scientific and technical discovery. The materials relied on in the responses include sophisticated statistical analysis of DNA genotyping, new tests performed to support conclusions regarding one of the bomb triggering devices, and new disclosures of cell tower plots in support of expanded geolocation testimony. The evidence disclosed in each of these areas may well be the subject of exclusion because of faulty methodological support and/or

implementation, determinations which will be the subject of an evidentiary hearing. Each area requires the assistance and consultation of experts to focus the factual, scientific, and legal issues that must be resolved in order for the Court to rule on admissibility.

Given the new disclosures, which were made while the defense is simultaneously addressing the myriad other issues necessary for the preparation for trial, and given the need for additional analysis and consultation that necessarily flows from the disclosures, filing replies within the short time previously envisioned by the Court is impossible.

For the foregoing reasons, defendant requests leave to file replies to the government's responses, and to file them on or before the close of business on December 28, 2014.

Respectfully submitted,

DZHOKHAR TSARNAEV

By his attorneys



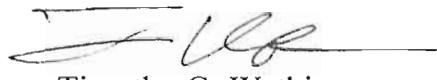
Judy Clarke, Esq. (CA Bar # 76071)
CLARKE & RICE, APC
1010 Second Avenue, Suite 1800
San Diego, CA 92101
(619) 308-8484
JUDYCLARKE@JCSRLAW.NET

David I. Bruck, Esq.
220 Sydney Lewis Hall
Lexington, VA 24450
(540) 460-8188
BRUCKD@WLU.EDU

Miriam Conrad, Esq. (BBO # 550223)
Timothy Watkins, Esq. (BBO # 567992)
William Fick, Esq. (BBO # 650562)
FEDERAL PUBLIC DEFENDER OFFICE
51 Sleeper Street, 5th Floor
(617) 223-8061
MIRIAM_CONRAD@FD.ORG
TIMOTHY_WATKINS@FD.ORG
WILLIAM_FICK@FD.ORG

Certificate of Service

I hereby certify that this document was served on counsel for the government by Email and paper copy by interoffice delivery on December 23, 2014.



Timothy G. Watkins